IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1793 of 2004

THE NEW INDIA ASSURANCE CO LTD.
V/S
BHARMAL RAM & ORS

Mr. M.R.SINGHVI, for the appellant / petitioner

Date of Order : 24.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

It is contended by the learned counsel for the appellant that since there was breach of policy conditions, the appellant could not be held liable.

I have considered the submission, and find that the learned trial Court itself has held in para-25 that the appellant will be held entitled to recover back the amount from the defendants no.1 and 2. In that view of the matter, in view of the judgments of Hon'ble the Supreme Court in National Insurance Co. Ltd. Vs. Baljeet Kaur & Ors., reported in 2004(2) SCC 1, Oriental Insurance Co. Ltd. Vs. Shri Nanjappan & Ors., reported in JT 2004(2) SC-452 and in Pramod Kumar Vs. Mushtari Begum reported in (2004)8 SCC-667, no interference is required to be made in favour of the appellant.

The appeal is, therefore, dismissed summarily.

(N P GUPTA),J.

/tarun/